

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed June 27, 2005. Claims 1-3 and 33-49 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner allowed claims 33-49, rejected claims 1-3. The present Response amends claims 1-3, leaving for the Examiner's present consideration of claims 1-3. Reconsideration of the rejections is respectfully requested.

### Claim Rejections – 35 USC § 112

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim contains the passage” “[T]he confidential information is kept essentially and consistently in encrypted format.” It is unclear what is meant by the use of “essentially” in this context.

Claim 3 has been revised to remove the word “essentially” from the claim. Applicant respectfully requests that the Examiner reconsider and withdraw the 112 rejection.

### Claim Rejections – 35 USC § 102

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Orita*, U.S. Patent No. 5,163,147.

To anticipate a claim, every element of the claim must be disclosed within a single reference. The present invention in claims 1-2 is distinguishable from *Orita* at least in that it teaches access control of both local and remote files, while *Orita* teaches file security function of only local files. More specifically:

In *Orita*, the user files and its related profile information are stored **locally** on a storage unit (Figure 1, item 12), which “is a hard disk, and is operated under the control of the host

computer 11 (Figure 1, col. 2, line 58-62). Both the host computer and the storage unit are part of the same computer system (col. 2, line 53-58).

In contrast, the data files in the present invention are “stored and retrievable either locally or **remotely**” (claim 1 (a), claim 2 (a)) on a remote/mobile storage (950) or file server (50), which are not part of the local machine (910, 11, 21) (See Fig. 1A and 1B). Since both the files and their respective permission rules can be external, the present invention provides localizing means to make them locally available “transparently and temporarily for use by the access-control means” (claim 1 (d), claim 2 (c)). Such localizing means is absent in *Orita* because it is simply not needed as all files and profiles are stored locally in *Orita*.

Therefore, *Orita* cannot anticipate claims 1 and 2 for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

#### **Claim Rejections – 35 USC § 103**

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Orita* as applied to claim 2 above, and *Rager*, U.S. Patent No. 5,412,721.

Prima facie obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. *Rager* teaches encryption code for secure transmission device (Abstract). Since it does not teach access control of files either locally or remotely, it cannot anticipate claim 2. As discussed in the previous section, *Orita* cannot be anticipate claim 2 either. Since claim 3 depends on claim 2, *Orita* and *Rager* cannot render claim 3 obvious under 35 U.S.C. § 103(a) for at least this reason, and Applicant respectfully requests that the rejection with respect to the claim be withdrawn.


### Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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